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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,307	06/13/2005	Hitoshi Ishiwatari	34781/US (466570-6)	6017
75149	7590	05/21/2008		
Dorsey & Whitney LLP US Bank Center 1420 Fifth Avenue Suite 3400 Seattle, WA 98101-4010			EXAMINER HUYNH, LOUIS K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 05/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/505,307	Applicant(s) ISHIWATARI ET AL.	
	Examiner Louis K. Huynh	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 16-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/13/05 & 4/28/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group II, claims 9-15, in the reply filed on 03/28/2008 is acknowledged.
2. Claims 1-8 & 16-30 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 9, lines 13-14: "disconnection of the motor on the basis of an energized current for the motor during the abnormality diction operation" renders the claim indefinite because, the motor will not rotate in either reverse or forward direction once the current no longer exists.
 - Claim 10, lines 17-18: "an abnormality of the motor is detected on the basis of the measured value" is vague and indefinite because it is unclear as to what measured value applicant is referring and to what range of the measured values the abnormality of the motor is determined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP'404 (JP-2000103404).

Note that JP-2000103404 was published on April 11,2000, which is qualified as prior art under 35 U.S.C. 102(b); US Patent NO. 6,349,848 was published on Feb. 26, 2002 and assigned to the same assignee of the present application and thus is not qualified as prior art. US 6,349,848 is a national stage of PCT/JP99/05135 which claims priority to JP-2000103404; therefore, US 6,349,848 will served as an English translation for JP-2000103404.

- With respect to claims 9-13, JP'404 discloses a medicine supply apparatus (1) that meets all of applicant's claimed subject matter; in particular, the apparatus of JP'404 comprises: a plurality of tablet cases (3), each tablet case (3) comprising a container (51) for accommodating medicine tablets, a discharge drum (53) and a drive motor (61); and a controller (76) having means for rotating the motor (61) forward to discharge the medicine tablets and for detecting jam so that when jam does occur, the motor (61) is rotated backward and then rotated forward. Specifically, when the medicine tablets are held and stuck between a discharge port and the discharge drum (53) during a dispensing operation, the motor (61) is locked, and an excess lock current flows; the controller (76) detects a lock state

from the current supplied to the motor (61) by an excess current detection circuit (78); and the controller (76), at the time the lock state occurs, rotates backward the motor (61) for a short period to rotate backward the discharge drum (53), and then the motor (61) rotates forward for a period to rotate forward the discharge drum (53) (US'848, col. 8, lines 32-42).

- With respect to claim 14, the backward/forward rotating operation is repeated several times until the stuck medicine tablet is drop, and the controller (76) will return the motor (61) to normal control forward rotation again (US'848, col. 8, lines 43-54).
- With respect to claim 15, the medicine supply apparatus of JP'404 further includes a display (67) for performing an alarm display (US'848, col. 8, lines 55-59).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 along with the applied prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 19, 2008

/Louis K. Huynh/
Primary Examiner
Art Unit 3721